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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,700	03/26/2004	Kyle W. Hukari	251193US40DIV

22850  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

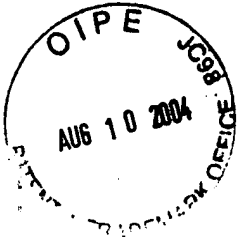
CONFIRMATION NO. 8151

FORMALITIES LETTER



\*OC000000013297257\*

Date Mailed: 07/21/2004



NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 06/29/2004 to the Notice to File Missing Parts (Notice) mailed 06/15/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

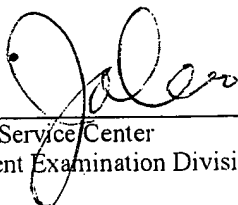
The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 5 & 6.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

RECEIVED: 7/22/04  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.  
DOCKETING DEPT  
Initials/Date Docketed: UC22204  
Type of Resp(s): Response to Notice  
Due Date(s): 8/5/04

*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to read "J. Alan", is written over a horizontal line.

Customer Service Center

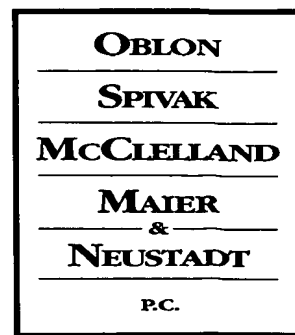
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Docket No.: 251193US40DIV

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/809,700  
Applicants: Kyle W. HUKARI, et al.  
Filing Date: March 26, 2004  
For: PROTECTIVE LAYERS FOR OPTICAL COATINGS  
Group Art Unit: 2872  
Examiner: BRET, C.

SIR:

Attached hereto for filing are the following papers:  
**Response to Notice of Incomplete Reply; Notice of Incomplete Reply dated July 21, 2004; Notice of Allowability and Notice of Allowance in 10/054,973 dated December 10, 2003; U.S. Patent No. 6,770,321 (computer download copy)**

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Richard D. Kelly  
Registration No. 27,757

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Corwin P. Umbach, Ph.D.  
Registration No. 40,211



DOCKET NO: 251193US40DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

KYLE W. HUKARI, ET AL. :

EXAMINER: BRET, C.

SERIAL NO: 10/809,700 :

FILED: MARCH 26, 2004 :

GROUP ART UNIT: 2872

FOR: PROTECTIVE LAYERS FOR  
OPTICAL COATINGS :

RESPONSE TO NOTICE OF INCOMPLETE REPLY

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

In response to the Notice of Incomplete Reply dated July 21, 2004 (copy attached), Applicants respectfully request reconsideration and withdrawal of the Notice's requirement of replacement drawings for Figs. 5-6.

The Notice states:

Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 5 & 6.

Applicants respectfully traverse the requirement for replacement drawings for Figs. 5-6. Furthermore, because the numerals on Figs. 5-6 are clearly written in black, Applicants are uncertain as to the basis for the Notice's assertion that Figs. 5-6 are not acceptable.

In the U.S. Application No. 10/054,973 parent, filed January 25, 2002, of the above-identified divisional application, Figs. 5-6 of the parent, which are identical to Figs. 5-6 of the divisional, were accepted by the Examiner in the Notice of Allowability included with the Notice of Allowance dated December 10, 2003 (copy attached).

The U.S. Patent Office issued U.S. Patent No. 6,770,321 (computer downloaded copy attached) on August 3, 2004, from the 10/054,973 parent with Figs. 5-6 that are identical to Figs. 5-6 of the above-identified divisional application.

Fig. 5 compares glass substrates, having the same optical coating but with and without a carbon protective layer, when scratched (U.S. Patent No. 6,770,321 at column 3, lines 23-25). Figs. 5(1)-5(4) are optical microscope photographs showing the significant decrease in scratches that results according to the present invention (U.S. Patent No. 6,770,321 at column 8, lines 48-49).

Fig. 6 compares glass substrates, having the same optical coating but with and without a carbon protective layer, when scratched (U.S. Patent No. 6,770,321 at column 3, lines 26-28). Fig. 6 shows nine samples (numbered 1 through 9) comparing the effect of different carbon protective layer thicknesses on scratches remaining on optical coatings after tempering (U.S. Patent No. 6,770,321 at column 9, lines 10-13).

Because the U.S. Patent Office has already accepted Figs. 5-6 in the parent of the above-identified application, Applicants respectfully request that the Notice of Incomplete Reply's requirement for replacement drawings for Figs. 5-6 be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Corwin P. Umbach, Ph.D.  
Registration No. 40,211

Attachments:

Notice of Incomplete Reply dated July 21, 2004

Notice of Allowability and Notice of Allowance in 10/054,973 dated December 10, 2003

U.S. Patent No. 6,770,321 (computer downloaded copy)

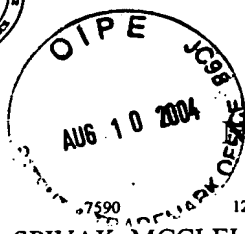
Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)  
CPU:smi



## UNITED STATES PATENT AND TRADEMARK OFFICE



22850

7590

12/10/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT,  
P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

12/12/03  
OBLON, SPIVAK, MCCLELLAND  
MAIER & NEUSTADT, P.C.

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Type of Re: FILE  
Date Mailed: 3-10-04

## NOTICE OF ALLOWANCE AND FEE(S) DUE

EXAMINER

CHEN, BRET P

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 12/10/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,973	01/25/2002	Kyle W. Hukari, et al.	216645US40	8816

TITLE OF INVENTION: PROTECTIVE LAYERS FOR OPTICAL COATINGS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/10/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

- ☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# Notice of Allowability



Application No.

10/054,973

Examiner

B. Chen

Applicant(s)

HUKARI ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 11/7/03.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 25 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |